

GAO

Report to the Honorable  
Scott Wigg, House of Representatives

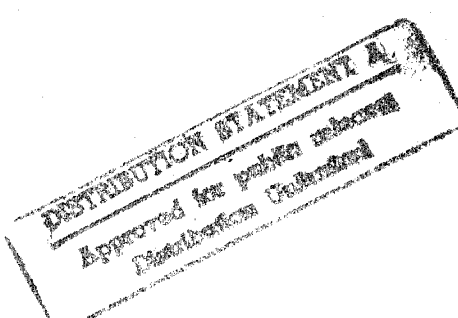
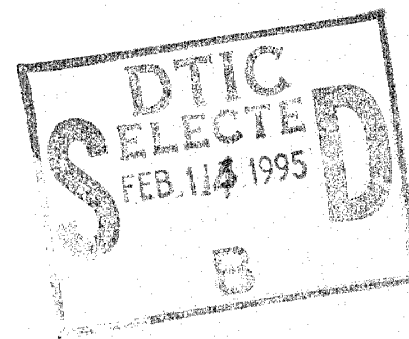
April 1992

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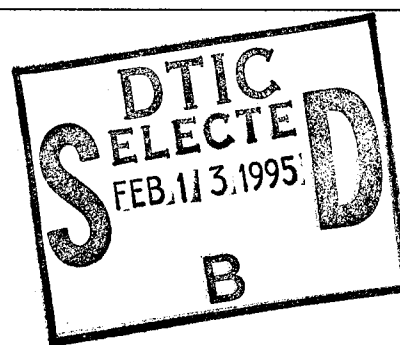
## General Government Division

B-245860

April 7, 1992

The Honorable Scott Klug  
U.S. House of Representatives

Dear Mr. Klug:



In your letter of June 19, 1991, you asked us to identify the extent and practices used by federal agencies to purchase private health club memberships for their employees. On January 30, 1992, we briefed you on the preliminary results of our work regarding (1) agency procurements of private health club memberships, (2) the policies and controls over such procurements, (3) the extent and adequacy of existing governmentwide guidance pertaining to private health club membership procurements, and (4) the granting of administrative leave (also referred to as excused absence) for employees to participate in physical fitness activities. As you requested, this report summarizes the information provided at that briefing as well as additional information we subsequently received.

## Background

As the nation's largest employer, the federal government has long been concerned with the health of its workers, both from an employee relations standpoint and as a concern to avoid or minimize the problems associated with absenteeism, early retirement due to disability, and the decline in individual performance due to health problems. Under the statutory authority of Section 7901 of Title 5, U.S.C. and the leadership of the Office of Personnel Management (OPM), the federal government has supported and encouraged physical fitness as one of several essential elements of an agency's employee health services program.

Key events that helped the development of federal worksite physical fitness programs included the leadership and encouragement provided by the President's Council on Physical Fitness and Sports plus the authority granted to federal agencies to expend funds for these programs. In the 1970s, the President's Council on Physical Fitness and Sports worked with several federal agencies to establish health promotion programs ranging in scope from basic screening and health risk assessment to more comprehensive activities such as educational programs and complete on-site facilities.

In 1980, the Council and OPM created the Federal Interagency Health and Fitness Council with the mandate to provide governmentwide coordination of employee health and fitness programs. Throughout the 1980s, OPM worked to strengthen its support of these employee programs through

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such initiatives as establishing the Director's Annual Awards for Outstanding Employee Health Services Programs, publishing a comprehensive guide on how to establish federal health and fitness programs, and holding health and fitness training conferences.

In 1985, our office was asked to determine whether an agency could pay for employees' use of a private health club for physical exercise. That year, in 64 Comp. Gen. 835, we held that although section 7901 authorized the use of appropriated funds to support physical exercise programs, Federal Personnel Manual guidance issued by OPM, and regulations issued by the General Services Administration and the Office of Management and Budget precluded such payments. We further held that, by virtue of the same guidance and regulations, agencies also were precluded from granting administrative leave for participation in physical exercise programs.<sup>1</sup>

Following our 1985 decision, the executive branch guidance and regulations were changed to allow agencies to use appropriated funds to support physical exercise programs. On the basis of these changes, in 1991, we further held, in 70 Comp. Gen. 190, that agencies could use appropriated funds to pay for employees' access to private health clubs. However, access may only be purchased in the agency's name (5 U.S.C. 5946).

In June 1990, OPM issued an Employee and Labor Relations Advisory bulletin that provided agencies with the advice that they may grant employees administrative leave for brief periods of time for participation in physical exercise programs. Also, in September 1991, OPM revised the Federal Personnel Manual (chapter 630, subchapter 11) on excused absence. This revision included a statement that "(e)xcused absence may be granted for short periods for participating in officially sponsored and administered physical fitness programs."

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<sup>1</sup>Our decision recognized that appropriated funds could be used to pay for physical exercise programs for employees engaged in especially strenuous jobs having mandatory fitness standards, such as fire fighters and law enforcement officers, without reliance on section 7901. Likewise, we held that these employees could participate in exercise activities on official time and need not be granted administrative leave for this purpose (64 Comp. Gen. at 840-841 and 844).

## Objectives, Scope, and Methodology

To develop information on the extent and practices of federal agencies' procurements of private health club memberships, we analyzed the results of a questionnaire we developed and administered to 80 departments and agencies. (See app. V for a list of these organizations.) During the period October 1991 to February 1992, we received responses from 77 departments and agencies for a 96 percent response rate. Of the remaining three agencies, the Central Intelligence Agency submitted an incomplete and unusable response, and the Voice of America's reply was included within the response received from the U.S. Information Agency. The Department of Veterans Affairs submitted its finalized questionnaire response too late for inclusion in this report. We will forward its response to you under a separate letter.

We sent our questionnaire to the personnel directors of 80 departments and agencies who are members of OPM's interagency advisory group. This OPM group provides a mechanism for continuing consultation between OPM and federal agencies regarding personnel policy and operational matters. We selected this universe because it consists of both large and small, civilian and military agencies.

In doing our audit work, we obtained and analyzed pertinent legislation, regulations, and policies. We interviewed OPM officials responsible for providing policy and guidance on physical fitness issues. We reviewed OPM reports and other material on this issue. Additionally, an official from the President's Council on Physical Fitness and Sports provided us with comments on such matters as private health club memberships for federal employees and the use of private sector facilities.

We did not verify the accuracy of the questionnaire responses provided by the departments and agencies or the adequacy and effectiveness of the controls and policies cited. We did, however, contact appropriate agency officials when needed to clarify questionnaire responses. We were not able to determine in all cases the extent to which the reported procurements and administrative leave policies covered employees with or without a job-related physical fitness requirement. Therefore, we included all reported procurements and administrative leave policies. We recognize, however, that the use of appropriations for procurements covering only those employees in positions having mandatory fitness standards are not necessarily subject to or limited by Section 7901 of Title 5, U.S.C. and that those employees can participate in exercise activities on official time and need not be granted administrative leave.

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We did our work between July 1991 and March 1992 in accordance with generally accepted government auditing standards.

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## Results in Brief

As part of efforts to support and encourage physical fitness, federal agencies are authorized to purchase private health club memberships for their employees. Our survey responses showed the following:

- Fifteen agencies responding to our survey reported having procured physical fitness services from a variety of facilities, such as private health spas, YMCAs, and local park districts. At the time of our survey, the annual federal funding for those procurements was about \$970,000 and involved 4,287 participating employees. The average agency cost per participating employee ranged from \$12 to \$644.
- Agencies' policies and controls over such procurements varied widely. For example, some agencies restricted participation to employees with special job-related fitness requirements, while others did not. Similarly, some agencies required specific controls over procurements, such as headquarters approval or a demonstration that federal rather than private facilities were considered and rejected first. Others did not report these controls.
- A significant number of agencies believe there is a need for further guidance on a number of issues pertaining to the procurement and use of fitness facilities. These issues include the questions of whether the employees should share in the membership cost, whether injury compensation would be provided under the Federal Employees Compensation Act, and whether and what controls are needed to monitor an employee's attendance and use of the private facility. Generally, the agencies look to OPM as the source of this additional guidance.
- Twenty-five agencies reported that 30 of their organizations allowed the use of administrative leave for participation in physical fitness activities.<sup>2</sup> Their practices vary widely, however. For example, regarding the amount of administrative leave allowed, 17 agencies reported allowing administrative leave from 1-1/2 to 3 hours per week; 1 agency reported that administrative leave was granted on a "very limited basis;" and the remaining 12 agencies reported having no specific time limit. Also, regarding the duration of administrative leave allowed, one agency reported restricting the use of administrative leave for a 6 to 8 week

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<sup>2</sup>For the purpose of this report, organizations include agencies within Cabinet-level departments as well as other subcomponents, such as offices and bureaus of the departments and agencies responding to our survey.

period. The remaining respondents either reported that administrative leave could be used for an indefinite duration or did not indicate any specific length of time restriction in their survey response.

We believe our findings raise questions about the appropriateness of granting administrative leave for employees participating in fitness activities. Although it has been long recognized that agencies have the discretion to grant such leave for brief periods of time, the use of administrative leave for employees' participation in physical fitness activities over indefinite periods of time could be expensive, possibly costing hundreds of millions of dollars per year.

We discussed this concern with officials from OPM, and they initiated action to tighten and clarify OPM guidance on the use of excused absences. On February 28, 1992, OPM issued draft guidance to departments and agencies recommending that administrative leave for an extended or indefinite period of time be denied. OPM has asked agencies to comment on its proposed guidance and, according to an OPM official, expects to issue the finalized guidance by the end of May 1992.

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## Extent and Controls Over Procurements

Fifteen of the 77 departments and agencies responding to our survey (19 percent) reported having made at least 305 procurements for private health club memberships. The procurements were with a variety of facilities, ranging from private health spas to YMCAs and local park districts. Within these 15 departments and agencies, 31 organizations made from 1 to over 100 individual procurements. On the basis of the data provided, we estimate the total federal funding for these procurements in the 15 departments and agencies to be about \$969,471. The average agency cost per participating employee ranged from \$12 to \$644. When employees were required to share in the cost of membership, the average cost to the employee ranged from \$18 to \$420. Sixteen organizations reported that they did not require the employee to contribute to the cost.

There were also agency variations regarding the nature of their policy statements restricting employee participation. For example, of the 31 agencies or organizational components reporting purchases, 5 restricted memberships to employees meeting special fitness standards, while 3 reported no restrictions. We could not determine from survey responses whether the remaining organizations had restrictions or not. (See app. I.)

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Another area that we explored dealt with the extent and type of controls or justification requirements agencies had in place over procurements of private health club memberships. OPM provides no written guidance regarding the nature of controls agencies should establish in procuring health club memberships.

Not surprisingly, we found that the 15 departments and agencies that reported having made procurements had variations in the controls used. Thirteen of the 15 agencies cited having at least one of six procurement-related controls listed as choices in our questionnaire. The two controls most frequently cited by the agencies were approval by the office or installation head (10 responses) and centralized approval at the headquarters level (7 responses). Four agencies cited having a requirement in place to show consideration of and basis for rejection of any available federal facilities in the same proximity as the private health club procurement. Further, responses indicated that only three agencies required a cost-benefit analysis for doing in-house versus private sector service procurement. Two agencies did not report having any controls in place. Several agency officials told us that despite whether or not any of the six controls cited in our questionnaire were in use, all applicable federal procurement regulations would need to be followed. (See app. II.)

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## Use of Administrative Leave for Physical Fitness Activities

Another issue that we explored dealt with the type of work-scheduling arrangements agencies authorized for employee participation in physical fitness programs, either at a federal facility or a private health club. The respondents reported a variety of practices. For example, 32 departments and agencies indicated that employees used alternative work scheduling, such as annual leave, credit hours, or flexitime. In addition, 25 departments and agencies allowed the use of administrative leave—excused absences without loss of pay or charge to personal leave—for physical fitness activities. Another 8 agencies and departments reported that although they did not have a formal policy allowing administrative leave, they recognized that local supervisors and managers had the discretion to grant administrative leave for physical fitness.

As discussed earlier, the use of administrative leave for participation in physical fitness activities has been the subject of recent OPM guidance. In June 1990, OPM issued an advisory bulletin to agency officials in the employee and labor relations field advising them that absent agency-specific restrictions, agencies may grant administrative leave for brief periods of time to employees for participation in physical fitness

programs. The guidance pointed out that the decision to grant administrative leave should be made after careful consideration of several factors, including costs associated with granting the leave. It also said that in addition to or instead of granting administrative leave, agencies might support employee participation by other means, such as flexible or alternative work scheduling. Then, in a September 1991 revision of the Federal Personnel Manual, OPM added physical fitness as a situation that may warrant administrative leave. The manual stated that "(e)xcused absence may be granted for short periods for participating in officially sponsored and administered physical fitness programs."

The results of our questionnaire showed that agencies have adopted various policies and practices regarding this issue. For example, of the 25 departments and agencies responding that they allow administrative leave for physical fitness activities, 12 reported having written policies on the granting of administrative leave, and 13 reported having none. The 25 respondents reported that a total of 30 organizations granted administrative leave for physical exercise. These organizations varied as to restrictions placed on the usage of administrative leave. Twelve reported having no specific limit on the amount of administrative leave permitted per week. One organization reported that administrative leave was granted on a "very limited basis," and the remaining 17 organizations reported allowing from 1-1/2 hours to 3 hours per week, with 3 hours being the most frequently cited time limit. Four of the 30 organizations reported restricting the use of administrative leave to employees with a physical fitness requirement. The remaining 26 organizations either reported that they had no such restriction or did not indicate such a restriction in their response to our survey. One of the 30 organizations reported a restriction on the duration of allowing time off, limiting it to a 6 to 8 week period. (See app. IV.)

Although there is no specific statutory authority for granting administrative leave, we have in the past recognized that agencies in certain situations may excuse an employee for brief periods of time without a charge to personal leave or loss of pay. However, with the exception of one agency, it appears that agencies' policies permit administrative leave to be routinely used for physical fitness activities for indefinite periods of calendar time. We believe such use can become costly.

No one knows how many and under what conditions federal employees might potentially be given and use this benefit. We do know, however, that based on data reported by 43 agencies responding to our survey question



on federal fitness facility usage, an estimated 111,415 of the agencies' total workforce of 1,022,133, or about 11 percent, used federal fitness facilities. If one assumes, given the substantial interest in health and fitness nationwide, that (1) a similar percentage of federal employees governmentwide might eventually have access to and use federal fitness facilities and that (2) a comparable percentage (or less) of employees could be granted excused absences, then the cost of such a benefit could be very high. To illustrate, we estimated in table 1 the potential costs if 1, 5, and 10 percent of the federal civilian workforce participated.<sup>3</sup> We assumed employees would be given 2 hours of administrative leave per week, which equals 13 work days per year, and would earn the average federal salary of \$131 per day.

**Table 1: Estimated Potential Salary Cost of Administrative Leave to Participate in Physical Fitness Programs**

Percentage of workforce	No. of employees	No. of work days granted	Typical salary	Total salary cost
1 percent	22,302	13	\$131	\$37,980,306
5 percent	111,512	13	\$131	\$189,904,936
10 percent	223,023	13	\$131	\$379,808,169

Actual costs would of course vary, depending on the amount of administrative leave granted, whether it is provided for a fixed or indefinite period of time, and the number of employees who participate. We recognize that such costs might be partially offset or even outweighed by other factors, such as increased productivity and morale and lower absenteeism. However, we believe that the routine use of administrative leave for an indefinite period is a questionable use of that authority and can potentially become a costly new employee benefit.

We discussed our concern with officials from OPM. They agreed and initiated action to tighten and clarify OPM's guidance on the use of administrative leave for physical fitness activities. On February 28, 1992, OPM issued proposed guidance on employee participation in health and fitness activities. The guidance recommended that agencies adopt a policy

<sup>3</sup>Excludes employees of the U.S. Postal Service, Central Intelligence Agency, National Security Agency, and Defense Intelligence Agency.

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that places responsibility on employees to use nonduty time when participating in health and fitness activities. The guidance also includes, in certain limited circumstances, the following provisions for granting excused absences for physical fitness activities:

- The activity should be officially sponsored and administered, such as a federal fitness day event or an agency sponsored health screening;
- The amount of excused absence in each instance should be a short period, and the activity for which the excused absence is granted should be of a specific, fixed duration, such as a smoking cessation program that might consist of several brief class sessions;
- An excused absence should be denied for an activity that will continue for an extended or indefinite period;
- The agency official approving the excused absence should determine that participation in the activity will likely benefit the organization; and
- The agency official approving the excused absence should ensure that the employee's absence will not interfere with the timely and effective performance of agency work and service to the public.

In effect, the proposed guidance significantly restricts the previous guidance provided by OPM in 1990. For example, the earlier guidance advised agencies that administrative leave may be granted for a fixed or indefinite period of time, while the current proposal calls for a specific, fixed, short duration. In other words, the current proposal advises agencies that administrative leave for an extended or indefinite period should be denied. The proposed policy, if implemented, would alleviate our concerns regarding the use of administrative leave for physical fitness for indefinite periods and potential costs of such a benefit. OPM has asked agencies and employee unions to comment on its proposed guidance and expects to issue the finalized guidance by the end of May 1992.

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## Agencies Look to OPM for Additional Guidance on Other Issues

In addition to its proposed guidance on the use of administrative leave for health and physical fitness activities, OPM needs to address other issues as well. We asked agencies a number of questions regarding the extent to which they believed guidance was needed on selected issues about the purchase of private health club memberships. A significant number of agencies believed there was a need for guidance on a wide variety of issues and look to OPM as the source for that guidance.

In total, we asked agencies to indicate whether or not guidance was needed on 16 issues pertaining to (1) membership restrictions and costs, (2)

liability, (3) facility selection, (4) monitoring employees' use of fitness facilities, and (5) program parameters. On each of the 16 questions, from 26 to 46 of the responding agencies indicated a need for further guidance. Table 2 illustrates agency responses to four of our questions.

**Table 2: Agency Views on the Need for and Source of Additional Guidance**

Guidance areas/questions	Guidance needed?		If "yes," who should provide guidance?		
	Yes (1)	No (2)	Your agency (3)	OPM (4)	Other (5)
Whether and what kind of documentation should be required to show consideration of and basis for rejecting any available federal facilities in the same proximity.	34	40	6	28	5
Whether and what controls are needed to adequately monitor employees' attendance and use of the private facilities.	32	42	10	24	1
Whether employees should be required to share in the membership costs, if at all.	36	37	6	30	8
Whether any injury compensation for federal participants in private health clubs would be provided under the Federal Employees' Compensation Act or any other appropriate authorities.	46	26	3	32	24

As shown, 34 of the 74 agencies that responded to this question indicated a need for guidance on whether and what kind of documentation should be required to show consideration of and basis for rejecting any available federal facilities in the same proximity. We included this guidance area in part because OPM's Office of General Counsel suggested in an internal memorandum that an OPM regional office consider some of these factors before entering into a procurement.

Similarly, 32, or 43 percent, of the responding agencies reported the need for guidance on whether and what controls are needed to monitor employees' attendance and use of private facilities. The question of injury compensation was the most frequently cited area needing further guidance with 46, or 64 percent, of the responding agencies indicating this need.

The need for additional guidance was not universally recognized by the agencies, however. Of the 77 agencies responding to our questionnaire, 26 agencies indicated no need for guidance on any of the items. In order of

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greatest frequencies, the principal reasons the agencies cited for not needing additional guidance were as follows:

- These matters have not arisen in sufficient frequency to warrant further guidance (17 responses).
- Agency did not support or had no interest in private health club facilities (6 responses).
- Existing governmentwide or agency guidance is sufficient to address these matters (5 responses).
- These matters should be left to the discretion of the local federal manager most responsible for authorizing agency purchases (1 response).

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## Conclusions

The positive impact of good health on maintaining effective performance and productivity is generally recognized throughout the government. Through OPM, the federal government supports and encourages physical fitness and other preventive health programs as essential elements of an agency's health services program for federal workers. As part of this program and under broad guidance from OPM, agencies are authorized to purchase access to private fitness centers' exercise facilities for their employees.

Agencies' policies and practices on the procurements of private health club access vary widely and range from restricting such procurements to individuals having physical fitness requirements to those having no restrictions. Some agencies pay the full cost while others require a contribution from the employees. Similarly, some agencies reported various controls over such procurements, such as headquarters approval and/or a cost analysis for doing in-house versus private sector service procurements while others left the decision to local management. Although such diversity of policies and practices is not surprising given the broad discretion provided agencies, it suggests the need for further guidance.

Many agencies appear to be concerned as to whether they are implementing appropriate practices and policies. In response to questions on the desirability of additional guidance on selected issues, a significant number of agencies indicated that such guidance was necessary and looked to OPM to provide it. We believe that OPM, as part of its leadership role in promoting physical fitness programs, should take the lead in providing the necessary guidance. We recognize that some issues, such as injury compensation, will require OPM to consult with other agencies having the appropriate responsibilities and technical expertise.

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We are also concerned about the use of administrative leave for participation in physical fitness activities. Although the concept of administrative leave has evolved over the years as a vehicle for allowing managers discretion in excusing employees for short periods of time, often on a case-by-case basis, many agency policies and practices indicate it is or can be routinely used for fitness activities for indefinite time periods. We believe such practices could be expensive, potentially costing the taxpayers hundreds of millions of dollars.

OPM has proposed revisions to its guidance on the use of administrative leave that emphasize a limited-use policy of such leave for fitness activities and only for short periods over a specific, fixed duration. Such limitations, if implemented, would alleviate our concerns over the potential costs. OPM's proposed guidance has been sent to agencies and unions for their review and comment. Because of OPM's initiative, we are not making any recommendations regarding the use of administrative leave for fitness activities at this time. However, we will review OPM's final guidance on this issue and reassess the need for recommendations based on the content and implementation of that guidance.

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## Recommendation to the Director of OPM

We recommend that the Director of OPM work with participating federal agencies to identify and provide the additional guidance needed on the factors agencies should consider in providing physical fitness programs for employees.

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## Agency Comments

We discussed a draft of this report with OPM officials, and they generally agreed with its contents, including our recommendation. The officials provided several technical and other comments, which we have incorporated into the report where appropriate.

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As arranged with your staff, unless you publicly announce the contents of this report earlier, we plan no further distribution until 10 days after the issue date. At that time, we will send copies to the agencies involved in this assignment and to other interested parties upon request.

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Please contact me at (202)275-5074 if you or your staff have questions concerning this report. Major contributors are listed in appendix VI.

Sincerely yours,

A handwritten signature in cursive script that reads "Bernard L. Ungar".

Bernard L. Ungar  
Director, Federal Human Resource  
Management Issues

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**Abbreviations**

BATF	Bureau of Alcohol, Tobacco and Firearms
BLM	Bureau of Land Management
DEA	Drug Enforcement Administration
DOT	Department of Transportation
FBI	Federal Bureau of Investigation
IRS	Internal Revenue Service
NPS	National Park Service
OGE	Office of Government Ethics
OIG	Office of Inspector General
OMB	Office of Management and Budget
OPM	Office of Personnel Management



# Agency Procurements of Private Health Club Memberships

Our questionnaire asked each department and agency surveyed to provide certain limited information on each procurement of private health club memberships that had taken place or was planned at the time of our survey. The responses to the survey of actual procurements are summarized in table I.1.

**Table I.1: Annual Costs of Agency Procurements of Private Health Club Memberships or Arrangements**

Agency	Number of procurements	Number of participating employees	Estimated total agency cost	Average agency cost per participating employee	Average employee cost <sup>a</sup>
Department of Agriculture					
National Forests	1 <sup>b</sup>	30	\$2,100	\$70	\$217
Forest Service regional, area, or station offices	6	144	11,086	97	420 <sup>a</sup>
Animal and Plant Health Inspection Service	1	85	20,400	240	156
<b>Agriculture subtotal</b>	<b>8<sup>b</sup></b>	<b>229</b>	<b>\$33,586</b>		
Department of the Army					
U.S. Total Army Personnel Command	1	1,150	\$20,000	\$17 (\$3.25 per visit)	0
U.S. Army Tank and Automotive Command	3	475	18,700	39	118
Office of the Surgeon General	1	27	7,776	288	180
<b>Army subtotal</b>	<b>5</b>	<b>1,652</b>	<b>\$46,476</b>		
Department of Defense agencies					
Defense Medical Support Activity	1	58	\$24,592	\$424	\$200
Defense Mapping Agency	1	30	5,910	197	197
Defense Nuclear Agency	1	100	20,714	207	0
<b>Defense subtotal</b>	<b>3</b>	<b>188</b>	<b>\$51,216</b>		
Department of Energy					
Field Operations Offices					
Idaho	5	38	\$6,080	\$160	\$60
Nevada	1	46	6,900	150	160
Savannah River	3	72	4,949	69	69
<b>Subtotal</b>	<b>9</b>	<b>156</b>	<b>\$17,929</b>		
Power Marketing Administrations					
Bonneville	varies	215	\$34,830	\$162	\$162
Southwestern	3	79	8,556	108	32
Western Area	13 <sup>c</sup>	81 <sup>c</sup>	17,902 <sup>c</sup>	224 <sup>c</sup>	241 <sup>c</sup>
<b>Subtotal</b>	<b>over 16</b>	<b>375</b>	<b>\$61,288</b>		
<b>Energy subtotal</b>	<b>over 25</b>	<b>531</b>	<b>\$79,217</b>		

(continued)

**Appendix I  
Agency Procurements of Private Health Club  
Memberships**

<b>Agency</b>	<b>Number of procurements</b>	<b>Number of participating employees</b>	<b>Estimated total agency cost</b>	<b>Average agency cost per participating employee</b>	<b>Average employee cost<sup>a</sup></b>
Department of Health and Human Services					
Public Health Service	1	15	\$1,800	\$120	0
<b>Health and Human Services subtotal</b>	<b>1</b>	<b>15</b>	<b>\$1,800</b>		
Department of the Interior					
Bureau of Land Management	2	72	\$1,300	\$18	\$18
Bureau of Reclamation	varies	25	4,500	180	varies
Fish and Wildlife Service	1	33	2,970	90	90
Office of Surface Mining	4	62	15,067	243	60 <sup>a</sup>
National Park Service	1	7	2,386	341	0
<b>Interior subtotal</b>	<b>over 8</b>	<b>199</b>	<b>\$26,223</b>		
Department of Justice					
Bureau of Prisons	5	150	\$37,860	\$252	\$25 to \$96 <sup>a</sup>
Drug Enforcement Administration	63 <sup>d</sup>	488 <sup>d</sup>	144,033 <sup>d</sup>	295 <sup>d</sup>	0
<b>Justice subtotal</b>	<b>68</b>	<b>638</b>	<b>\$181,893</b>		
Department of Labor					
Office of the Assistant Secretary for Administration and Management	2	110	\$1,814	\$16	\$205 <sup>a</sup>
<b>Labor subtotal</b>	<b>2</b>	<b>110</b>	<b>\$1,814</b>		
Department of State					
Foreign Service Institute	2	27	\$7,057	\$261	\$261
<b>State subtotal</b>	<b>2</b>	<b>27</b>	<b>\$7,057</b>		
Department of the Treasury					
Bureau of Alcohol, Tobacco and Firearms (BATF)	over 100	<sup>e</sup>	\$302,822	up to \$250	<sup>e</sup>
Secret Service	75	478	188,875	395	0
Internal Revenue Service (IRS)	1 <sup>f</sup>	125	24,000	192	0
<b>Treasury subtotal</b>	<b>over 176</b>	<b>over 603</b>	<b>\$515,679</b>		
Independent civilian agencies					
Agency for International Development	1	10	\$200	\$20	0
Environmental Protection Agency	1	25	7,500	300	0
National Credit Union Administration	5	60	\$16,810	\$280	0

<sup>a</sup>Average employee cost figures are based only on procurements in which the employee paid some of the costs. Several of the procurements were funded solely by the agency.

<sup>b</sup>Agriculture reported an additional two procurements by National Forest installations for an additional 100 employees but did not provide any cost data for these procurements.

<sup>c</sup>No estimated annual cost data was reported for 1 of the 13 Western Area Power Administration procurements.

<sup>d</sup>Data were calculated by GAO from fiscal year 1991 purchase orders or funding requests by field managers of the Drug Enforcement Administration that were included as an attachment to Justice's

(continued)

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**Appendix I**  
**Agency Procurements of Private Health Club**  
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questionnaire response. Data does not include four procurements totaling \$6,450 for which we could not determine the number of participating employees.

<sup>e</sup>Although Treasury reported that BATF had private health club arrangements, it did not report the number of participating employees nor the employee cost.

<sup>f</sup>The IRS procurement expired September 30, 1991, and was not renewed.

Source: Agency responses to GAO questionnaire.

We analyzed the survey responses to answer the following questions:

- What departments and agencies made the most procurements?
- How much was the total federal funding for these procurements?
- What agencies or organizations required no employee contribution to the cost of the procurement, and how much did these procurements cost the agency?
- Which departments and agencies making procurements of private health club memberships had restrictions on employee participation?

The results of our analysis are presented in the following sections.

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**Agencies Procuring the Most**  
**Private Health Club**  
**Memberships**

Of 77 departments and agencies responding to our survey, eight civilian departments, the Department of the Army, three defense agencies or organizations, and three independent agencies reported some membership procurements. These 15 affirmative responses represent 19 percent of those responding to our survey.

Within these 15 departments and independent agencies, 31 agencies or organizational components made at least 305 procurements of private health club memberships. This is a conservative estimate given the data reported by the Departments of Energy and Interior because each reported a component agency that made “various” procurements but did not report a specific number.

Eight of these 31 agencies or organizational components reported 5 or more actual procurements, as shown in table I.2 in descending order of frequency. The top three that made procurements—BATF, the Secret Service, and the Drug Enforcement Administration (DEA)—each have a law enforcement mission and require employees in certain law enforcement positions to participate in a mandatory program of physical fitness.

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**Table I.2: Agencies and Organizations Reporting Five or More Procurements of Private Health Club Memberships**

Organization	Parent department or agency	Number of procurements
BATF	Treasury	over 100
Secret Service	Treasury	75
DEA	Justice	67 <sup>a</sup>
Western Area Power Administration	Energy	13
Forest Service regional, area, or station offices	Agriculture	6
Idaho Field Operations Office	Energy	5
Bureau of Prisons	Justice	5
National Credit Union Administration	Independent civilian agency	5

<sup>a</sup>Data were calculated by GAO from 1991 purchase orders or funding requests by field managers of the DEA that were included as an attachment to Justice's questionnaire response. Data show the total number of procurements, including four for which we could not determine the number of participating employees.

Source: Agency responses to GAO questionnaire.

**Federal Funding**

We calculated each department's or agency's portion of the cost of the private health club procurements using data reported in the questionnaire (see table I.1). On the basis of this data, we estimated the total federal funding for the 305 procurements made by the 15 departments and agencies at about \$969,471.

**Employee Cost Contribution**

Sixteen of the responding agencies and organizations made procurements in which the full cost of the private health club membership was paid by the agency. Two of the agencies—the Bureau of Prisons and the Forest Service—made more than one procurement through different offices or installations. We listed each procurement separately. The aggregate cost of these procurements by 15 of the agencies totaled about \$449,677. In table I.3 we arranged these agencies in descending order of average annual agency cost per participating employee. The Bureau of Prisons did not report complete cost data for one procurement for which it reported paying the full cost.

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**Table I.3: Annual Costs of Reported Procurements With No Employee Contribution**

Agency, office, or installation making procurement	Number of participating employees	Estimated total agency costs	Average agency cost per employee
Office of Surface Mining, Lexington Field Office (Interior)	14	\$9,018	\$644
Secret Service (Treasury)	478	188,857	395
National Park Service (Interior)	7	2,386	341
Environmental Protection Agency	25	7,500	300
DEA	488 <sup>a</sup>	144,033	295
National Credit Union Administration	60	16,810 <sup>b</sup>	280
Bureau of Prisons, U.S. Medical Center, Springfield, MO (Justice)	not reported	not reported	264
Office of Surface Mining, Lexington Field Office (Interior)	4	1,009	252
Bureau of Prisons, Metropolitan Correctional Center (Justice)	35	7,500	214
Defense Nuclear Agency	100	20,714	207
Internal Revenue Service (Treasury) <sup>c</sup>	125	24,000	192
Forest Service Southern Station (Agriculture)	20	3,086	154
Office of Surface Mining, Lexington Field Office (Interior)	4	600	150
Public Health Service (Health and Human Services)	15	1,800	120
Forest Service Sitka Area, Tongass National Forest (Agriculture)	40	1,000	25
Agency for International Development	10	200	20
U.S. Total Army Personnel Command	1,150	20,000	17 (\$3.25 per visit)
Office of Assistant Secretary for Administration and Management, Chicago, IL (Labor)	97	1,164	12

<sup>a</sup>Data were calculated by GAO from fiscal year 1991 purchase orders or funding requests by field managers of the DEA that were included as an attachment to Justice's questionnaire response. Data does not include four procurements totaling \$6,450, for which we could not determine the number of participating employees.

<sup>b</sup>National Credit Union Administration's estimated cost does not include an initial fee of \$75 for each person for one procurement.

<sup>c</sup>The Internal Revenue Service (IRS) procurement expired September 30, 1991, and was not renewed.

## Restrictions on Employee Participation

We could not determine from available agency response data the extent the reported procurements might have restricted the employee groups who could participate in the use of private health club memberships. However, five bureaus in three departments had written policy statements restricting employee participation in such memberships. The bureaus submitted copies of these statements in response to our request for written statements specifically addressing the purchase of health club memberships for their employees. Those departments or agencies reporting procurements are identified in table I.4, and we noted whether these agencies did or did not have written policy statements with restrictions on employee participation. In addition, contact persons in most of the agencies that did not have a written policy confirmed that memberships were open to employees without a fitness requirement.

**Table I.4: Departments and Agencies Reporting Procurements of Private Health Club Memberships That Did and Did Not Have Policy Statements Restricting Employee Participation**

Department/agency making actual procurements	Restrictions on employee participation in private health club memberships
<b>Civilian departments</b>	
Agriculture	No employee restrictions contained in departmental policy statement. <sup>a</sup>
Energy	Restriction unknown; no written departmental policy statement.
Health and Human Services	No policy statement at the departmental level.
Public Health Service	No written policy statement.
Interior	No policy statement at the departmental level.
Bureau of Land Management	No employee restrictions in written policy statement. <sup>a</sup>
Bureau of Reclamation	No written policy statement. <sup>a</sup>
Fish and Wildlife Service	Policy applies only to refuge officers with a law enforcement responsibility.
Office of Surface Mining	No written policy statement. <sup>a</sup>
National Park Service	Policy generally restricts memberships to employees who must meet special fitness standards. A Park Service policy under development at the time of our survey would give park management the discretionary authority to include voluntary program participants.
Justice	No policy statement at the departmental level.
DEA	Policy specifically limits health club memberships to special agent employees only; these memberships are not authorized to be used by any other DEA personnel.
Bureau of Prisons	Restriction unknown; no policy statement submitted.
Labor	No employee restrictions contained in departmental policy statement. <sup>a</sup>
State	No departmental policy statement. <sup>b</sup>

(continued)



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<b>Department/agency making actual procurements</b>	<b>Restrictions on employee participation in private health club memberships</b>
Treasury	No policy statement at the departmental level.
BATF	Memberships are authorized for permanent bureau employees who have completed a screening process.
Secret Service	Policy limits private health club memberships to personnel under a mandatory fitness program.
IRS	Where onsite facilities are unavailable or impractical, IRS will attempt to secure health and fitness programs from other government sources only.
<b>Defense departments and agencies</b>	
Army	Army commanders may establish the priority between soldiers, Army civilians, and family members. <sup>a</sup>
Defense Medical Support Activity	No written policy statement issued. <sup>a</sup>
Defense Mapping Agency	No written policy statement issued. <sup>a</sup>
Defense Nuclear Agency	No written policy statement issued. <sup>a</sup>
<b>Independent civilian agencies</b>	
Agency for International Development	Only law enforcement officers within the Inspector General's Office have access to memberships to one private health club in the Washington, D.C., area.
Environmental Protection Agency	No written policy statement issued. <sup>a</sup>
National Credit Union Administration	Restrictions unknown; no written policy statement.

<sup>a</sup>Agency contact person confirmed that employees without a fitness requirement could participate in the membership.

<sup>b</sup>Agency contact person said the two procurements by the Foreign Service Institute were restricted to participants attending a 1-year seminar program and that the two procurements expired at the end of fiscal year 1991 and were not renewed.

Source: Agency responses to GAO questionnaire.

## Summary of Planned Procurements

Fifteen departments and agencies reported actual procurements of private health club memberships, and 5 civilian departments, the Department of the Army, and 2 defense agencies reported plans for such procurements in their fiscal year 1992 budget. Each of these departments and agencies reported actual procurements at the time of our survey at the end of fiscal year 1991.

Overall, 15 agencies or organizational components (excluding DEA) budgeted at least 21 procurements of private health club memberships for fiscal year 1992. Some of these procurements were continuations of actual procurements reported in table I.1. The responses to the questionnaire of

**Appendix I**  
**Agency Procurements of Private Health Club**  
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planned or budgeted, fiscal year 1992 procurements are summarized in table I.5. As noted in the table, at least nine of the budgeted procurements were considered "new" because they were not earlier reported by the department or agency as an actual procurement. The total estimated annual agency costs of these new procurements is \$83,682.

Except for the continuation procurements noted in table I.5, we could not say with any certainty whether the reported actual procurements of private health club memberships would also be continued in fiscal year 1992 or whether they would expire at the end of fiscal year 1991. Of the reported actual procurements, only the IRS noted in its questionnaire response that its procurement expired at the end of fiscal year 1991 and was not renewed in fiscal year 1992.

**Table I.5: Fiscal Year 1992 Budgeted Annual Costs of Agency Procurements of Private Health Club Memberships or Arrangements**

<b>Agency</b>	<b>Number of procurements</b>	<b>Estimated number of participating employees</b>	<b>Estimated total agency cost</b>	<b>Average agency cost per participating employee</b>	<b>Average employee cost</b>
<b>Department of Agriculture</b>					
Forest Service station offices	2 (cont.)	28	\$4,086	\$146	\$0
Animal and Plant Health Inspection Service	2 (1 cont., 1 new)	118	30,300	257	146
<b>Agriculture subtotal</b>	<b>4</b>	<b>146</b>	<b>\$34,386</b>		
<b>Department of the Army</b>					
Military Traffic Management Command	2 (new)	108	\$18,260	\$169	\$0
<b>Army subtotal</b>	<b>2</b>	<b>108</b>	<b>\$18,260</b>		
<b>Department of Defense agencies</b>					
Defense Mapping Agency	1 (cont.)	22	\$5,000	\$227	\$227
Defense Nuclear Agency	1 <sup>a</sup> (cont.)	150	25,000	167	<sup>a</sup>
<b>Defense subtotal</b>	<b>2</b>	<b>172</b>	<b>\$30,000</b>		
<b>Department of Energy</b>					
Field Operations Offices					
Idaho	1 (new)	1	\$160	\$160	\$60
Nevada	1 (cont.)	55	8,250	150	160
Savannah River	3 (cont.)	87	6,735	77	77
<b>Subtotal</b>	<b>5</b>	<b>143</b>	<b>\$15,145</b>		

(continued)

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Agency	Number of procurements	Estimated number of participating employees	Estimated total agency cost	Average agency cost per participating employee	Average employee cost
<b>Power Market Administrations</b>					
Western Area- Headquarters	facility of choice (new)	150	\$41,250	\$275	\$275
Western Area-Field Offices	5 (3 new, 2 cont.)	69 <sup>b</sup>	9,960 <sup>b</sup>	146 <sup>b</sup>	159 <sup>b</sup>
<b>Subtotal</b>	<b>over 5</b>	<b>219</b>	<b>\$51,210</b>		
<b>Energy subtotal</b>	<b>over 10</b>	<b>362</b>	<b>\$66,355</b>		
<b>Department of the Interior</b>					
Bureau of Land Management	1 (new)	50	\$6,000	\$120	\$120
Bureau of Reclamation	varies (cont.)	100	32,000	320	varies
Fish and Wildlife Service	1 (cont.)	45	4,050	90	90
<b>Interior subtotal</b>	<b>over 2</b>	<b>195</b>	<b>\$42,050</b>		
<b>Department of Justice</b>					
DEA	c	c	\$446,000	c	c
<b>Justice subtotal</b>	c	c	<b>\$446,000</b>		
<b>Department of Labor</b>					
Office of Administration and Management	1 (cont.)	97	\$2,425	\$25	\$0
<b>Labor subtotal</b>	<b>1</b>	<b>97</b>	<b>\$2,425</b>		

<sup>a</sup>Although the Defense Nuclear Agency intended to purchase this membership in fiscal year 1992, at the time of our survey it had not done so. The agency said that until Congress approves its fiscal year 1992 budget, employees who elect to use these fitness facilities must pay the costs.

<sup>b</sup>No estimated annual cost data were reported for one of the five Western Area Power Administration field office procurements. The cost estimates were based on reports on four field offices.

<sup>c</sup>Justice noted that DEA's fiscal year 1992 budget projections for health club memberships is \$446,000, but it did not identify individual procurements.

Source: Agency responses to GAO questionnaire.

# Types of Controls Reported by Agencies Over the Procurement of Private Health Club Memberships

We asked those departments and agencies that reported actual or planned private health club procurements for information on management controls or requirements over those purchases. From a listing of six procurement-related controls, we requested that agencies identify those controls that they maintained over the purchase of private health club memberships. We also asked agencies to identify any other controls they used that were not in our listing.

## Extent and Nature of Controls Over Procurements

The two controls most frequently cited by the agencies were approval by the office or installation head (10 responses) and centralized approval at headquarters level (7 responses). The least cited control, which was identified by two of the reporting agencies, was the negotiation occurring between labor and management over a specific unit's bargaining agreement. Inherent in this control is the assumption that the purchase of a private health club membership is an employee relations issue and thus subject to the collective bargaining process. Table II.1 presents data on the frequency with which respondents cited specific controls.

Table II.1: Frequency of Controls Reported Over the Procurement of Private Health Club Memberships

Controls maintained over the purchase of private health club memberships	Number of agencies with private health club procurements that reported	
	Control in place	No control in place
Centralized approval at headquarters level	7	8
Approval by office or installation head	10	5
Requirement to show consideration of and basis for rejecting any available federal facilities in the same proximity	4	11
Agencywide budget restrictions on use of agency appropriations for such purchases	4	11
Cost-benefit analysis for doing in-house versus private sector service procurement	3	12
Item of negotiation between labor and management in specific unit agreement	2	13
Other	6	9

Source: Agency responses to GAO questionnaire.

Table II.2 identifies the specific type of controls reportedly maintained by 15 responding departments and agencies. The Departments of Agriculture, Justice, and Treasury cited having the most controls in place, each with five controls. Of the two independent civilian agencies—the Environmental Protection Agency and the Agency for International Development—neither

**Appendix II**  
**Types of Controls Reported by Agencies Over**  
**the Procurement of Private Health Club**  
**Memberships**

reported the use of any of our six procurement-related controls nor any others.

**Table II.2: Types of Procurement Controls Reported by Agencies That Purchased Private Health Club Memberships**

**Agency controls over the purchase of private health club memberships**

<b>Federal department/ agency</b>	<b>Central approval at headquarters</b>	<b>Approval by office head</b>	<b>Requirement in the same proximity</b>	<b>Agencywide budget restrictions</b>	<b>Cost-benefit analysis</b>	<b>Negotiation between labor and management</b>
Agriculture	X	X		X	X	X
Energy		X				
Health and Human Services		X				
Interior		X	X			X
Justice	X	X	X	X	X	
Labor	X	X				
State	X					
Treasury	X	X	X	X	X	
Army		X				
Defense headquarters agencies	X		X			
Defense Mapping Agency		X				
Defense Nuclear Agency	X			X		
Environmental Protection Agency						
Agency for International Development						
National Credit Union Administration		X				
<b>Total</b>	<b>7</b>	<b>10</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>2</b>

Source: Agency responses to GAO questionnaire.

Six agencies identified additional controls in place that were not listed in our survey question. One of these write-in responses included a Department of Treasury requirement that established the mandatory health screening of employees seeking to participate in a private health club procurement.

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**Written Policies on**  
**Procurements**

We also asked departments and agencies whether they had issued any written policies specifically addressing the purchase of private health club memberships. Of the 77 departments and agencies that responded to our questionnaire, five civilian and two defense departments reported the existence of written policies addressing such private health club purchases. The seven are as follows:

1. Department of Agriculture
2. Department of the Interior
3. Department of Justice
4. Department of Labor
5. Department of the Treasury
6. Department of the Army
7. Department of the Navy

These departments provided us with copies of their written policies. We analyzed the policies to determine whether and to what extent they included procurement controls or justification requirements for the purchase of private health club memberships. We identified control and justification requirements in three (Interior, Justice, and Treasury) of the seven written policy statements. These control features are summarized below.

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**Department of the**  
**Interior/Bureau of Land**  
**Management**

Although Interior said that no policy statements addressing the procurement of private health club memberships had been issued at the department level, it provided us with a copy of a Bureau of Land Management (BLM) policy statement. The policy specifically authorizes BLM offices to contract directly with private facilities and centers or enter into arrangements with employee associations, which will arrange for the services. Some of the control-related requirements of BLM's policy include:

- Contracts with private membership facilities are to specify that the membership is to be in the name of the BLM office and not the individual.
- BLM offices are directed to explore all available options for these services, including other agencies, community recreational facilities and centers, schools, as well as private clubs.
- Small purchasing procedures are to be used, as applicable, to determine sources to be used.

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**Appendix II**  
**Types of Controls Reported by Agencies Over**  
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**Department of Justice/DEA**

Justice provided us with DEA's written policy, which requires the submission to headquarters of written justifications for purchases of health club memberships. The justification must address various program requirements such as

- details on the proposed memberships' costs,
- proximity of health club to work location,
- documentation that memberships will be used at least three times per week per employee, and
- maintenance of a log of all exercise activity by all special agents using the membership.

The DEA policy requires local offices to explore other federal, state or local, and college or university facilities before approving the use of private health club memberships. The policy also specifies a number of conditions, including that the facility must be cost effective in relation to others in the geographic area, have equipment available that develops cardiovascular endurance, and cost less than \$350 per employee.

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**Department of the Treasury**

Treasury responded that policies addressing the purchase of private health club memberships had been issued at the bureau level and submitted two sample policies from the BATF and the U.S. Secret Service. BATF's health club membership requirements are primarily contained in a health improvement program manual. The manual specifies, among other things, the requirements that health clubs must meet in order to qualify as appropriate exercise facilities and the contracting procedures to be followed by field office personnel. In selecting a new health club, a written selection justification must be prepared and reviewed at the field level. BATF will pay up to \$250 per year per membership.

The U.S. Secret Service's policy was similar in many respects to the DEA policy. Private health club memberships are limited to personnel under a mandatory fitness program, and documentation of the exploration of less costly options is required. The policy specifically requires that a cost analysis and comparison survey of local health clubs be submitted with the procurement request. Cost comparison data are required to be submitted for at least five other clubs.

# Additional Guidance Needed on Agency Procurements of Private Health Club Memberships

We asked federal departments and agencies whether additional guidance was needed on the procurement of private health club memberships for federal employees. We selected areas in which guidance might be needed based on, among other things, discussions with Office of Personnel Management (OPM) officials, agency personnel management officials with whom we pretested our questionnaire, and a staff member of the President's Council on Physical Fitness and Sports. We also asked agencies if they believed further guidance was needed. If so, they were to identify whether that guidance should be provided by (1) their agency, (2) OPM, or (3) some other source.

## Departments/Agencies Wanting Further Guidance

Almost two-thirds of the departments and agencies (50 of 77) responding to our questionnaire said additional guidance was needed in at least one of the 16 topics we listed. As detailed in table III.1, the total number of responses by agencies indicating the need for further guidance on each of these 16 guidance topics ranged from a low of 26, or about 35 percent of those responding, to a high of 46, or about 64 percent.

**Table III.1: Areas Agencies Identified Needing Further Guidance on Agency Procurement of Private Health Club Memberships**

Guidance areas/questions	Guidance needed?		If "yes," who should provide guidance?		
	Number of responses		Number of responses <sup>a</sup>		
	Yes (1)	No (2)	Your agency (3)	OPM (4)	Other (5)
<b>Membership/costs</b>					
Whether ownership of the membership must be retained in the agency's name	39	34	3	31	9
Whether agencies can reimburse individuals for membership fees	40	33	2	35	8
Whether agencies can reimburse individuals on travel costs of visits to fitness centers	37	35	2	29	14
Whether employees should be required to share in the membership costs, if at all	36	37	6	30	8
<b>Liability</b>					
Whether federal employees receiving private health club services will incur an income tax liability that should be reported in individual tax returns	44	30	3	24	26
Whether a waiver of government liability should be required before private health club participation by federal employees	44	29	3	39	12

(continued)



**Appendix III  
Additional Guidance Needed on Agency  
Procurements of Private Health Club  
Memberships**

	<b>Guidance needed? Number of responses</b>		<b>If "yes," who should provide guidance? Number of responses<sup>a</sup></b>		
	<b>Yes (1)</b>	<b>No (2)</b>	<b>Your agency (3)</b>	<b>OPM (4)</b>	<b>Other (5)</b>
<b>Guidance areas/questions</b>					
Whether any injury compensation for federal participants in private health clubs would be provided under the Federal Employees' Compensation Act or any other appropriate authorities	46	26	3	32	24
<b>Facility selection</b>					
Whether access to private facilities needs to be located close to the workplace during business hours	30	43	4	25	5
Whether and what kind of documentation should be required to show consideration of, and basis for rejecting, any available federal facilities in the same proximity	34	40	6	28	5
<b>Monitoring use</b>					
Whether and what controls are needed to adequately monitor employee's attendance and use of the private facilities	32	42	10	24	1
Whether and what controls are needed to establish and monitor a participating employee's fitness levels and progress	30	43	8	23	2
Whether and what controls are needed over granting excused absences for exercise	37	36	10	30	2
<b>Program parameters</b>					
Whether private health club memberships should be available only to those with a mandatory physical fitness requirement	26	48	3	26	2

(continued)

**Appendix III  
Additional Guidance Needed on Agency  
Procurements of Private Health Club  
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Guidance areas/questions	Guidance needed? Number of responses		If "yes," who should provide guidance? Number of responses <sup>a</sup>		
	Yes (1)	No (2)	Your agency OPM Other		
			(3)	(4)	(5)
Whether a certified list should be developed of qualified private providers of exercise and fitness services available to agencies	32	41	2	23	7
Whether a listing should be developed of the types of exercise and fitness services and equipment that are and are not preferred options by preventive health service professionals	33	40	2	24	8
What factors should be considered in making judgments that a private health club's services to federal employees would constitute a "bonafide preventive program relating to health" with benefits to the government in contrast to purely a recreational or social activity for the benefit of the employee	40	34	3	34	7

<sup>a</sup>Number of responses does not always equal total of "yes" responses under column 1 because some agencies identified more than one guidance provider.

Source: Agency responses to GAO questionnaire.

As shown in the table, the majority of agencies wanting additional guidance believed that OPM should provide this assistance, with one exception. This exception dealt with the issue of whether employees receiving health club services might incur an income tax liability. In this case, an equal number of agencies believed IRS should provide the guidance. Of the remaining 15 issues, from 70 to 100 percent of the responding agencies wanting guidance said OPM should provide it.

Twenty-six departments and agencies, including OPM, responded that no guidance was needed on any of our 16 questions. The departments and agencies made up a broad cross section of our universe and included three Cabinet-level departments as well as small independent agencies, such as the National Archives and Peace Corps.

We asked these 26 departments and agencies for the principal basis for their response. Three agencies cited two reasons so the total number of responses is 29. In order of greatest frequency the principal reasons they cited were as follows:

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**Appendix III**  
**Additional Guidance Needed on Agency**  
**Procurements of Private Health Club**  
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- These matters have not arisen in sufficient frequency to warrant further guidance (17 responses).
- Agency did not support or had no interest in private health club facilities (6 responses).
- Existing governmentwide or agency guidance is sufficient to address these matters (5 responses).
- These matters should be left to the discretion of the local federal manager most responsible for authorization of agency purchases (1 response).

# Agency Use of Administrative Leave for Physical Fitness Activities

We asked agencies to report the work-scheduling arrangements authorized for employees' participation in physical fitness programs either at a federal facility or a private health club. In summary, our survey results showed the following:

- Twenty-five (or 32 percent of the respondents) reported policies and practices that allowed the use of administrative leave for physical exercise. Of the 25, 12 departments and agencies reported having written policies, and 13 reported having none. The 25 departments and agencies reported that a total of 30 agencies and subcomponents (installations, bureaus, etc.) granted administrative leave for physical exercise. Four of the 30 agencies and subcomponents only granted administrative leave for employees having a physical fitness requirement.
- Thirty-two (or 42 percent of the respondents) reported that employees were allowed to use other work-scheduling arrangements, such as annual leave, credit hours, flexible or alternative work schedules, or the employees' own time for participating in physical fitness programs.
- Two agencies (or 3 percent of the respondents) reported that they had a written policy that expressly prohibited the granting of administrative leave for employees to exercise.
- Eight departments and agencies (or 10 percent of the respondents) reported that although they did not have a policy allowing administrative leave for exercise, local supervisors and managers—at their own discretion—could permit official time off.

## Policies and Practices for Granting Administrative Leave

Table IV.1 identifies those departments and agencies that reported policies and practices that allow employees to use administrative leave for physical fitness. In addition, where reported to us by the agencies, we list the practices followed regarding the amount of administrative leave granted and whether the administrative leave policy applies to all employees or just to those with a physical fitness requirement.

**Table IV.1: Agencies' Policies and Practices for Granting Administrative Leave for Physical Exercise**

Federal department/ agency	With written policy	With no written policy	Maximum time off per week	Comments
<b>Civilian departments</b>				
<b>Agriculture</b>				
U.S. Forest Service	X		2-1/2 hr	Includes employees without a physical fitness requirement

(continued)

**Appendix IV  
Agency Use of Administrative Leave for  
Physical Fitness Activities**

<b>Federal department/ agency</b>	<b>With written policy</b>	<b>With no written policy</b>	<b>Maximum time off per week</b>	<b>Comments</b>
Soil Conservation Service	X		3 hrs	Includes employees without a physical fitness requirement
<b>Education</b>				
Office of Inspector General	X		1-1/2 hrs	Includes employees without a physical fitness requirement
Energy		X	No specific limit	Includes employees without a physical fitness requirement
<b>Interior</b>				
BLM	X		1-1/2 hrs	Includes employees without a physical fitness requirement
National Park Service	X		3 hrs	Includes employees without a physical fitness requirement
				Draft NPS policy. Fitness incentive award for up to 80 hours per year
U.S. Fish and Wildlife Service	X		2 hrs	Refuge officers only at U.S. Fish and Wildlife Service
<b>Justice</b>				
DEA	X		3 hrs	Special agents only at DEA and FBI
Federal Bureau of Investigation	X		3 hrs	
U.S. Marshals Service	X		3 hrs	Includes employees without a physical fitness requirement
<b>Transportation</b>				
Office of Inspector General	X		3 hrs	Includes employees without a physical fitness requirement
<b>Defense departments</b>				
Army	X		3 hrs	Includes employees without a physical fitness requirement
				Limited to 6 to 8 week period
Navy	X		No specific limit	Includes employees without a physical fitness requirement
				Daily to several times per week or month for a fixed or indefinite period
<b>Defense agencies</b>				
Defense Logistics Agency	X		2 hrs	Includes employees without a physical fitness requirement
Defense Nuclear Agency	X		1-1/2 hrs	Includes employees without a physical fitness requirement
<b>Independent civilian agencies (workforce of 6,000 or more employees)</b>				
<b>General Services Administration</b>				
Office of Inspector General	X		3 hrs	Criminal investigators only

(continued)

**Appendix IV  
Agency Use of Administrative Leave for  
Physical Fitness Activities**

<b>Federal department/ agency</b>	<b>With written policy</b>	<b>With no written policy</b>	<b>Maximum time off per week</b>	<b>Comments</b>
<b>Independent civilian agencies (workforce under 6,000 employees)</b>				
Arms Control and Disarmament Agency		X	3 hrs	Includes employees without a physical fitness requirement
Executive Office of the President		X	No specific limit	Includes employees without a physical fitness requirement
Federal Election Commission		X	No specific limit	Includes employees without a physical fitness requirement
Federal Energy Regulatory Commission		X	No specific limit	
Federal Labor Relations Authority		X	No specific limit	General authority under agency admin. leave policy
Interstate Commerce Commission		X	No specific limit	
National Endowment for the Arts		X	No specific limit	
National Gallery of Art		X	No specific limit	
National Labor Relations Board		X	Very limited basis	Includes employees without a physical fitness requirement
				Granted through agency Administrative Policies and Procedure Manual, Title 8, Section 3640-3658
Office of Personnel Management		X	No specific limit	Includes employees without a physical fitness requirement
				At least one regional office allows up to 1-1/2 hours per week
Railroad Retirement Board	X		3 hrs	Special agents only
Smithsonian Institution		X	No specific limit	Includes employees without a physical fitness requirement
<b>Independent civilian agencies (workforce under 100 employees)</b>				
National Mediation Board		X	No specific limit	Includes employees without a physical fitness requirement
Office of Government Ethics	X		2 hrs	Physical fitness of choice

Source: Agency responses to GAO questionnaire.

## Written Agency Policies on Administrative Leave for Exercise

From the survey responses, we found that 14 agencies had written policies pertaining to administrative leave. Two agencies—the Consumer Product Safety Commission and Social Security Administration—had written policies that specifically prohibited administrative leave for exercise. As shown in table IV.1, 12 of these agencies allowed or had subcomponents that allowed administrative leave for exercise. We summarize the key features of the written policies submitted to us by these 12 departments and agencies below.

1. Department of Agriculture: A departmental regulation stated that its agencies administratively determine situations in which employees will be excused from duty without charge to leave. Agencies may grant employees administrative leave for brief periods of time to participate in wellness program activities. In addition to the departmental regulation, Agriculture also submitted written policies for the U.S. Forest Service and the Soil Conservation Service. The details are as follows:

- The U.S. Forest Service policy was in draft form and only applied to employees at its Washington headquarters office. The policy allows supervisors to authorize up to 2-1/2 hours per week of official time off for their employees to participate in Forest Service sponsored physical fitness and exercise activities. Employees must match this 2-1/2 hours of official time with 2-1/2 hours of personal time. The Forest Service's written policy also addresses controls (monitoring and recordkeeping) over fitness participation.
- The Soil Conservation Service allows up to 3 hours of administrative leave per week to employees to participate in fitness activities. The amount of time off provided is at the discretion of management and only if the exercise commitment does not interfere with the employee's work responsibilities.

2. Department of Education: Education provided a copy of a policy pertaining to its Office of Inspector General. The policy stated that its formal physical fitness program contained two components—medical screening and physical fitness activities. Official time off for exercise is limited to 1-1/2 hours per week. This time must be matched with employees' own time. The policy states that the 3 hours of fitness each week cannot be scheduled on one day or in such a manner that will not promote and maintain the employee's health.

3. Department of the Interior: A departmental official said that there is no written departmental policy. However, the official said that three agencies—BLM, National Park Service, and the U.S. Fish and Wildlife Service—had written policies that allowed the use of administrative leave. He provided copies of the three policies, which are summarized below.

- Bureau of Land Management: This bureau authorizes "no more than one and one-half hours per week of official time to full-time employees to engage in wellness program physical activities to be matched with an equal amount of time spent on employees' own time." Before official time is authorized, employees must sign agreements that they will match the same

amount of time for physical activities on their own time outside of normal work hours.

- National Park Service: A 1987 memorandum entitled Physical Exercise and Recreational Equipment and Facilities Policy, established guidelines for two types of employees: those with a physical fitness requirement (employees subject to special physical standards) and those not subject to such standards. Only those employees who must meet special physical standards to carry out their duties as required by their job descriptions (firefighters, scuba divers, and lifeguards) shall, as a directed work assignment, participate in 3 hours of weekly physical fitness activity to meet the requirements associated with the performance of these job duties.
- A draft National Park Service (NPS) Health and Fitness Guideline, dated August 1991, amends NPS' policy regarding employees not subject to special physical standards. The draft policy guideline makes two changes related to administrative leave. First, NPS will allow up to 3 hours per week to exercise on government time, which may be granted at the discretion of the local area manager. Secondly, the draft policy would allow NPS to give employees a maximum of 40 hours of time off for any single contribution or a cumulative of 80 hours per leave year as an "incentive award," in recognition of superior accomplishment or other personal effort under the agency's specific health and fitness program. The draft guideline was not finalized as of January 22, 1992.
- U.S. Fish and Wildlife Service: The U.S. Fish and Wildlife Service's (Service) refuge manual established a policy on physical fitness training for refuge officers. All Service employees within the National Wildlife Refuge System who are delegated law enforcement authority are designated as refuge officers. For refuge officers only, the Service provides up to 2 hours per week of official time in conjunction with an equal amount of contributed personal time per week for an approved physical fitness program.

4. Department of Justice: According to its response, Justice had no departmental policy on the use of administrative leave for exercise. In its questionnaire response, Justice indicated that three agencies—DEA, Federal Bureau of Investigation (FBI), and U.S. Marshals Service—have written policies allowing administrative leave for employee participation in physical fitness activities. The details are as follows:

- DEA and FBI policies provide up to 3 hours per week of official time to special agents only. Nonagent personnel are not authorized administrative leave for exercise activity.



- The U.S. Marshals Service has issued written fitness program guidelines that also apply to those employees who volunteered to participate in the fitness program. The guidelines stated that full-time employees were authorized up to 3 hours per week of duty time to participate in physical fitness activities. Part-time employees were allowed 1 hour of administrative leave for physical fitness activities for every 13 hours worked.

5. Department of Transportation: The Department of Transportation (DOT) had no overall policy on excused absences. A written policy existed for one agency within DOT, the Office of Inspector General. The policy stated that "three hours of official time per week are authorized to participate in a structured fitness maintenance/improvement program." All full-time, permanent employees are eligible for the administrative leave. They are required to take a physical examination and must obtain a physician's statement certifying that the employee can participate in the fitness program before participating in any exercise activity.

6. Department of the Army: Army reported an "Army Health Promotion" regulation that applies to civilian employees of the Army without a physical fitness requirement. According to the regulation, commanders may approve up to 3 hours of administrative leave per week to allow employees to participate in command sponsored physical exercise training, monitoring, and/or education, provided these activities are an integral part of a total fitness program and are limited to 6 to 8 weeks. The grant of administrative leave is considered training and is limited to one time only.

7. Department of the Navy: Navy's Office of Civilian Personnel Management maintains a policy that detailed the implementation of health promotion and wellness programs. Under the heading of excused absences, it states, "individual exercise programs, which involve participation ranging from daily to several times per week or month for a fixed or indefinite period of time." The policy also provides that authority is delegated to local activity/command heads to grant excused absences for participation in exercise.

8. Defense Logistics Agency: This agency has a written policy statement that applies to all employees on a voluntary basis. The policy provides official time for fitness activities up to 5 percent of regularly scheduled duty hours per pay period. For example, a full-time employee with a 40-hour workweek may be authorized up to 4 hours per pay period to participate in this agency's fitness program.

9. Defense Nuclear Agency: This agency had a written policy memorandum stating that administrative leave may be granted to civilian employees to engage in physical fitness activities during normal duty hours. This policy allowed 1/2 hour per day, 3 days per week, for a total of 1-1/2 hours per week for fitness activities in conjunction with the employee's normal lunch period.

10. General Services Administration: An excerpt from the General Service Administration's time and leave handbook stated that "when physical fitness training is required and is conducted under the Government Employees Training Act, then the time spent is official duty." Agency officials said in a separate written policy that criminal investigators within the Office of Inspector General were permitted a maximum of 3 hours per week. Otherwise, the policy was that administrative leave may not be granted routinely for participation in physical fitness programs.

11. Railroad Retirement Board: The Board's administrative and procedural manual outlines the voluntary fitness program for the Office of Investigations. It recommended for special agents a schedule of three 1-hour exercise periods per week during official duty hours.

12. The Office of Government Ethics (OGE): OGE's Ethics' Personnel Manual 4-2 states that "in recognition of the high levels of stress that can be reached in most typical office settings, OGE will authorize employees 1 hour twice weekly without charge to annual or sick leave, to participate in the physical fitness of choice." Although OGE, in its policy manual recommended that employees use OGE's in-house fitness center, it did not define or describe the type of allowable physical fitness choices.

## Administrative Leave Might Be Used in Other Agencies

We received questionnaire responses from eight agencies that reported that although administrative leave was not the subject of a policy, either written or nonwritten, supervisors or managers at installations and components could permit employees administrative leave at their own discretion. These eight cases present the possibility that although no official approval policy exists, some employees can use administrative leave for participating in physical fitness exercise. We also asked these agencies to cite and explain the origin of the discretionary authority that their supervisors and managers have for permitting official time off. The following are the various explanations cited by the agencies.

1. Department of the Treasury: Treasury cited the OPM Advisory Bulletin dated June 15, 1990, in which official time off was left up to individual supervisors/managers. Two main categories of health fitness activities for which agencies may grant administrative leave are (1) special events, such as health fairs and (2) scheduled individual activities, such as individual health programs. OPM's advisory bulletin was the only available guidance to the department's employees and managers.

2. Department of the Air Force: The Department of the Air Force cited AFR 40-630, Chapter 8, IAW paragraph 8-1. In this case, leave-approving supervisors would not be able to excuse employees because the chapter does not specifically address participation in federally sponsored physical fitness programs. The agency added that, "however, a commander could excuse employees for brief periods for reasons deemed to be in the best interest of the public or Air Force; the commander who excuses employees (not having mandatory physical fitness requirements) would be responsible for justifying, if challenged, that the excusal was in the best interest of the public or the Air Force."

3. Department of Education (Exclusive of the Office of Inspector General): Education officials said that although the department did not have a specific written policy addressing administrative leave for participation in exercise, discretionary authority is there, "as dictated by specific managers for their individual employees."

4. Federal Emergency Management Agency: This agency's absence and leave policy grants immediate supervisors the authority to administer leave provisions. However, the agency noted in its survey response that "the policy does not recognize fitness/exercise as a period for which an excused absence may be granted."

5. Merit Systems Protection Board: The Merit System Protection Board stated in its response that "because there is no specific prohibition it is possible some supervisor could excuse an employee's absence."

6. National Security Agency: The National Security Agency reported that managers had the discretionary authority to grant, "59 minutes, in accordance with NSA/CSS PMM Chapter 363."

7. Securities and Exchange Commission: The Commission said that administrative leave can be used at the supervisor's discretion, but specific policy had not been written on how it was to be used.

8. Office of Personnel Management: OPM's survey response stated that "in general, first-line supervisors can grant up to 1 hour of excused absence for valid reasons."

## Agency Use of Other Work-Scheduling Arrangements

We asked the departments and agencies if they allowed the use of flexitime or other alternative work schedules for employees to participate in physical exercise. If so, we asked them to report on the extent these work arrangements were being used by their employees. Our analysis of their responses showed the following.

- Thirty-two departments or agencies indicated that employees used alternate work scheduling, such as annual leave, credit hours, or flexible or alternative work schedules for participating in physical fitness programs.
- Eight of the 32 departments, agencies and subcomponents had a written policy for work scheduling that encouraged or allowed the use of either flexitime, annual leave, or credit hours.

Table IV.2 presents detailed information on those departments and agencies that reported using various work scheduling arrangements for employee participation in physical fitness activities.

**Table IV.2: Agency Use of Various Work-Scheduling Arrangements for Fitness Activities**

Federal department/ agency	Written policy for work scheduling	Where physical fitness program conducted		Frequency of employee use for type of work arrangement			
		Federal facility	Private health club	Sometimes	Often	Very often	Always
Civilian departments							
Agriculture	X	X	X		Own time		
					Flex/alt schedule		
Education (Exclusive of the OIG)		X		Own time			
				Flex/alt schedule			
Education: OIG		X				Flex/alt schedule	Own time

(continued)

**Appendix IV  
Agency Use of Administrative Leave for  
Physical Fitness Activities**

Federal department/ agency	Written policy for work scheduling	Where physical fitness program conducted		Frequency of employee use for type of work arrangement			
		Federal facility	Private health club	Sometimes	Often	Very often	Always
Energy		X	X	Flex/alt schedule			Own time
Health and Human Services	X <sup>a</sup>	X	X	Annual/ credit leave	Flex/alt schedule		Own time
Housing and Urban Development		X					Own time <sup>b</sup>
Interior <sup>g</sup>	X <sup>c</sup>	X	X	Flex/alt schedule		Own time	
Justice <sup>g</sup>		X		Annual/ credit leave		Own time	
				Flex/alt schedule			
Labor	X	X	X	Flex/alt schedule			Own time
State		X	X	Flex/alt schedule			Own time
				Annual/ credit leave			
Transportation		X		Flex/alt schedule			Own time
Treasury <sup>g</sup>		X	X	Flex/alt schedule		Own time	
				Annual/ credit leave			
<b>Defense departments</b>							
Army	X <sup>d</sup>	X	X	d	d	d	d
Navy	X <sup>e</sup>	X		Own time			
				Flex/alt Schedule			
				Annual/ credit leave			
<b>Defense agencies</b>							
Defense Contract/ Audit Agency	X	X		Annual/ credit leave			Own time Flex/alt schedule

(continued)

**Appendix IV  
Agency Use of Administrative Leave for  
Physical Fitness Activities**

Federal department/ agency	Written policy for work scheduling	Where physical fitness program conducted		Frequency of employee use for type of work arrangement			
		Federal facility	Private health club	Sometimes	Often	Very often	Always
Defense Investigative Service		X		Flex/alt schedule  Annual/ credit leave			Own time
Defense Logistics Agency		X		Annual/ credit leave	Flex/alt schedule	Own time	
Defense Mapping Agency		X	X			Flex/alt schedule	Own time
Defense Nuclear Agency			X	Own time			
National Security Agency	X	X		Annual/ credit leave		Flex/alt schedule	Own time
<b>Independent civilian agencies(workforce of 6,000 or more employees)</b>							
Environmental Protection Agency		X	X		Flex/alt schedule		Own time
Federal Emergency Management Agency		X		Annual/ credit leave		Flex/alt schedule	Own time
Federal Reserve System		X					Own time
Farm Credit Administration		X				Flex/alt schedule	Own time
General Services Administration		X		Flex/alt schedule  Annual/ credit leave	Own time		
National Aeronautics and Space Administration		X		Flex/alt schedule			Own time
<b>Independent civilian agencies(workforce under 6,000 employees)</b>							
Federal Energy Regulatory Commission		X		Annual/ credit leave		Own time  Flex/alt schedule	

(continued)

**Appendix IV  
Agency Use of Administrative Leave for  
Physical Fitness Activities**

Federal department/ agency	Written policy for work scheduling	Where physical fitness program conducted		Frequency of employee use for type of work arrangement			
		Federal facility	Private health club	Sometimes	Often	Very often	Always
Federal Labor Relations		X		Annual/ credit leave			Own time
National Credit Union Administration			X			Flex/alt	Own time schedule
Pension Benefit Guaranty Corporation		X		Annual/ credit leave		Flex/alt schedule	Own time
Railroad Retirement Board		X		Flex/alt schedule		Own time	
Smithsonian Institution		X		Own time			
				Flex/alt schedule			

<sup>a</sup>The Department of Health and Human Services reported that Social Security Administration's policy has employee options available, such as employees' own time, lunch periods, flexitime, annual leave, or a combination of the options.

<sup>b</sup>The Department of Housing and Urban Development noted that "employees are expected to participate on their own time. This could be lunch or before/after duty hours." It added that "some employees may use a flexible schedule to allow time in the morning or after work for this purpose."

<sup>c</sup>Interior noted a policy only for BLM. BLM's policy stated "the use of flexitime is encouraged to accommodate employees' use of a physical fitness program."

<sup>d</sup>Army's policy statement allows for alternate work schedules "where possible and where consistent with workload and mission." Army's questionnaire response indicated that it had no basis to judge the frequency with which its alternative work schedules were being used for employee participation in physical exercise.

<sup>e</sup>Navy has a policy on work scheduling that considers "employees' investing an equal amount of personal time such as lunch periods, leave, extensions of the work day, etc."

<sup>f</sup>Although the Federal Reserve System did not have a written work scheduling policy statement, it noted that "employees are allowed time to use in-house facilities and make individual arrangements with their supervisor regarding work assignments."

<sup>g</sup>Frequency of employee use of work arrangements were reported for the departmental level. Individual unit subcomponents may differ.

Source: Agency responses to GAO questionnaire.

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# Executive Departments and Agencies Surveyed

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## Civilian Departments

Agriculture  
Commerce  
Education  
Energy  
Health and Human Services  
Housing and Urban Development  
Interior  
Justice  
Labor  
State  
Transportation  
Treasury  
Veterans Affairs

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## Defense Departments

Air Force  
Army  
Navy

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## Defense Agencies

Defense Contract Audit Agency  
Defense Information Systems  
Defense Investigative Service  
Defense Logistics Agency  
Defense Mapping Agency  
Defense Nuclear Agency  
Office of the Secretary of Defense  
National Security Agency

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## Independent Civilian Agencies

Workforce of 6,000 or more  
employees

ACTION  
Central Intelligence Agency  
Consumer Product Safety Commission  
Environmental Protection Agency  
Farm Credit Administration  
Federal Communications Commission  
Federal Deposit Insurance Corporation  
Federal Reserve System  
General Services Administration



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**Appendix V**  
**Executive Departments and Agencies**  
**Surveyed**

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U.S. Information Agency  
National Aeronautics and Space Administration

Workforce under 6,000  
employees

Agency for International Development  
Arms Control and Disarmament  
Commodities Futures Trading Commission  
Equal Employment Opportunity Commission  
Executive Office of the President  
Export Import Bank  
Federal Election Commission  
Federal Emergency Management Agency  
Federal Energy Regulatory Commission  
Federal Labor Relations Authority  
Federal Maritime Commission  
Federal Mediation and Conciliation Service  
Federal Trade Commission  
International Trade Commission  
Interstate Commerce Commission  
Merit Systems Protection Board  
National Archives and Records Administration  
National Credit Union Administration  
National Endowment for the Arts  
National Endowment for the Humanities  
National Gallery of Art  
National Labor Relations Board  
Nuclear Regulatory Commission  
National Science Foundation  
National Transportation Safety Board  
Office of the Federal Inspector, Alaska Natural Gas Transportation System  
Office of Personnel Management  
Peace Corps  
Pension Benefit Guaranty Corporation  
Railroad Retirement Board  
Securities and Exchange Commission  
Selective Service System  
Small Business Administration  
Smithsonian Institution  
U.S. Soldiers and Airmens Home  
Tennessee Valley Authority  
Voice of America

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**Appendix V  
Executive Departments and Agencies  
Surveyed**

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<b>Workforce under 100 employees</b>	<b>Commission on Civil Rights Federal Retirement Thrift Investment Board National Mediation Board Occupational Safety and Health Review Commission Office of Government Ethics Office of Special Counsel Overseas Private Investment Corporation Postal Rate Commission</b>
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